IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19873 of 2004

Between:

1 Md. Fazululla , S/o Taher Ali,
R/o 11-27, Behind Bus Depot, RTC Colony,

Achampet, Mahabubnagar District.
2 Md. Maqbool, s/o Nizamuddin,
R/o Gangapoor, Jadcherla, Mahabubnagar District.

..... PETITIONERS

AND

The Regional Manager,

Hyderabad City Region,

JBS, Picket, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of mandamus declaring that the action of the respondent in not considering the petitioners' candidature to the post of Driver Grade II in Hyderabad City Region and canceling/deleting their names from the selected candidates of driver post on the ground that the petitioners have not responded to their call in news paper to work in October/November 2001 as bad, arbitrary, unjust and unreasonable and against the principles of natural justice and consequently direct the respondent to appoint the petitioners as Driver Grade II on par with his juniors in the selection list.

Counsel for the Petitioners: Mr. P.VENKATESWAR RAO

Counsel for the Respondent: Mr. V.T.M.PRASAD

The Court at the admission stage made the following ORDER:

The petitioners contend that in pursuance of a notification dated 05-10-1999 they made applications for the posts of Grade-II Drivers. They were called for interview and they were declared selected for the posts of Grade-II Drivers subsequent to the driving test. Their names were shown in the selection list with Serial Nos. 981 and 960. The petitioners further submit that they produced original driving licences and other documents to the respondents, but they were not given any posting orders. Subsequent to the submission of the documents, the respondent delayed the appointments. The petitioners approached the respondent number of times, but there was no reply from the respondent. The petitioners came to know that the respondent appointed number of candidates, who were selected along with them including a candidate with Register No.987. The petitioners, therefore, approached this Court seeking to declare that the action of the respondent in not considering their candidature to the posts of Grade-II Drivers in the Hyderabad City Region on the ground that they failed to respond to the call for duty published in the newspaper of Hyderabad edition in October/November, 2001 as arbitrary, illegal and against the principles of natural justice. The petitioners further contend that the respondent having collected the original documents including the driving licences from them failed to issue the appointment orders on the pretext of their failure to attend the call for duty during the strike period in October/November,2001. The petitioners further contend that they are residing in Mahabobnagar District and as the notification calling for duty was published in Hyderabad Edition, they could not notice the same. Therefore, there was no scope for them to attend the duty during the strike period as required by the respondent.

If it is a fact that the juniors to the petitioners in the selection list were given appointments, the respondent is directed to examine the cases of the petitioners also for appointment, irrespective of the fact that they failed to attend to duty during the strike period in pursuance of the paper notification given by the respondent and pass appropriate orders regarding their request for appointment in pursuance of the selection made in 1999 within two months from the date of receipt of a copy of this

order.

Accordingly, the Writ Petition is disposed of.

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(Dr. G.YETHIRAJULU,J)

1st November, 2004.

Note: Furnish C.C. within three days.

B/o

Tsy

To

1. The Regional Manager,

Hyderabad City Region,

JBS, Picket, Secunderabad.

2. Two CD Copies.